

## PROSECUTOR ADVISORY GROUP

### **DESCRIPTION**

The Task Force for Racial Equity in Criminal Justice is seeking members for a District Attorney Advisory Panel to assist with the implementation of its policy recommendations. This Panel would consist of district attorneys, or if necessary, their senior ADAs, who are committed to promoting racial equity in our criminal justice system. Members do not need agree with every recommendation of the Task Force, but only be open to conversation.

Members would:

- Provide prosecutorial insights and perspectives on the implementation of TREC recommendations.
- Suggest implementation strategies, identify allies, flag potential roadblocks, help promote ideas.
- Make comments and suggestions on model policies, “one-pagers,” presentations, implementation guides, and other documents.
- Meet as a group approximately once per month but may also interact via email or one-on-one.

### **GOALS**

- Review of drafted model policies
- Group drafting of model policies
- Education by outside groups
- Presentations by prosecutorial offices / academics on specific projects
- Partnerships with researchers / outside groups
- Pilot projects

### **TREC RESPONSIBILITIES**

- Meeting facilitation and logistics
- Agenda development including speaker retention
- Drafting of model policies
- Follow ups with specific offices after group meetings to facilitate possible next steps such as joining or starting a research / pilot project

### **TREC STAFFING**

- Jasmine McGhee, Sam Davis, Reginald Boney, Leslie Cooley Dismukes, Mercedes Restucha-Klem, Boz Zellinger

## **POSSIBLE TOPICS**

### ***TOPIC #1: Recent Legislative Changes in North Carolina that affect prosecutors***

New Legislative Requirements / TREC Recommendations:

- Minimum Age of Prosecution
- School-based Referrals

### ***TOPIC #2: Ability to Pay***

New Requirement / TREC Recommendations:

- Assess defendant's ability to pay
- New SC Rule 28

### ***TOPIC #3: Expunction Efforts***

TREC Recommendations:

- Establish an NCAOC form to strike Failure to Comply for traffic violations.
- Encourage district attorneys to utilize amnesty or mass relief opportunities, such as dismissal of cases, forgiveness of court debt, and expunctions.
- Stop the issuance of arrest warrants for criminal contempt charges due to outstanding court debt and for those who fail to appear for traffic violations without first having a show cause hearing.
- Clarify statutory language to preclude imprisonment for nonpayment of fees and fines when an active sentence has been imposed on the underlying offense.
- Increase access to license restoration clinics, such as the DEAR Clinic.
- Stop suspending drivers' licenses because of failures to comply for monetary reasons or failures to appear, excluding cases involving DWI offenses.
- Enact legislation that would automatically restore licenses suspended for failure to pay after 12 months.

### ***TOPIC #4: Restorative Justice Practices***

TREC Recommendations:

- Establish and fund restorative justice programs in local communities across the state and at various points of the criminal justice system
- Recognize racial equity and the rights and perspectives of, and the potential consequences to, harmed parties, survivors, and their families during the justice system process and when any reform is proposed

### ***TOPIC #5: Case Resolution***

TREC Recommendations:

- Study and adopt evidence-based reforms for reducing and eventually eliminating racial disparities in charging decisions and prosecutorial outcomes
- Expand use of advanced supervised release

***TOPIC #6: De-prioritization of Low Level Offenses: Marijuana***

New Legislative Requirements / TREC Recommendations:

- Review of bail conditions upon receipt of case/preventative detention hearing
- Bail Policy disfavoring financial conditions unless public safety is at risk

***TOPIC #7: De-prioritization of Low Level Offenses: Traffic Offenses / Class 3 Misdemeanors (Post-Charge Diversion)***

New Legislative Requirements / TREC Recommendations:

- Deprioritize prosecution of low-level offenses, including traffic stops and Class 3 misdemeanors
- Deprioritize prosecution of small amounts of drug possession, including marijuana
- Promote post-charge diversion

***TOPIC #8: Pretrial Policies***

TREC Recommendations:

- Review of bail conditions upon receipt of case/preventative detention hearing
- Bail Policy disfavoring financial conditions unless public safety is at risk

***TOPIC #9: Habitual Felon Status***

TREC Recommendation:

- Establish working groups led by district attorneys to review and approve every habitual felony charging decision

***TOPIC #10: Officer Involved Use of Force***

TREC Recommendations:

- Reform investigation and prosecution procedures for officer- involved use of force incidents
- Establish statewide sentinel event reviews to evaluate law enforcement practices and suggest policy changes